Report on the Commission’s 2023 Rule of Law report

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The Committee on Civil Liberties, Justice and Home Affairs adopted the own-initiative report by Sophia IN 'T VELD (Renew, NL) on the Commission’s 2023 Rule of Law report.

The 2023 Rule of Law Report examines developments across all Member States, both positive and negative, in four key areas for the rule of law: the justice system, the anti-corruption framework, media pluralism and freedom, and other institutional issues related to checks and balances.

The Rule of Law report as a tool

Members welcomed the rule of law report as a crucial cornerstone of the EU rule of law toolbox and commended the Commission for delivering a diligently researched and well-written report. They recognised that the rule of law report has become a benchmark for the EU institutions’ work on rule of law issues in the EU and in specific Member States. On the other hand, the committee is concerned that the Commission, in its effort to be factual and even-handed, sometimes ends up being **too diplomatic and imprecise** when identifying rule of law problems in Member States.

The report regretted that the Commission and the Council have so far rejected Parliament’s offer to enter into an interinstitutional agreement on democracy, the rule of law and fundamental rights. It reaffirms its willingness to resume talks on this agreement.

Justice and prosecutorial systems

The report stated that an independent judiciary is the backbone of the rule of law, as it is a precondition for an effective remedy when laws, rights, freedoms and democratic principles are withheld or violated. It underlined that an independent and effective judiciary is not only vital in maintaining the rule of law and democracy in the Member States and the Union, but it is also key in implementing EU law, given that the Commission relies on the national judicial authorities to enforce EU law. Members expressed the importance of mutual trust, while also underlining that the Commission cannot ignore the shortcomings of national judicial authorities in some Member States or assume that they are all able to provide effective judicial remedies. While some judicial systems may look robust and satisfactory on paper, in some cases they are **not immune** to state capture, political interference or nepotism.

The report noted that the Commission finds wide **disparities** between EU Member States in terms of judicial independence and safeguards. The report stated that for citizens to have effective access to justice, the Member States should do more to provide free of charge or affordable legal aid, in particular for those unable to afford such aid themselves, and should further facilitate access to a lawyer.

Moreover, Members highlighted the importance of guaranteeing the **autonomy and accountability of the prosecution service**. They stressed the need for safeguards to be put in place to help preserve the autonomy and accountability of the prosecution service, including ensuring that it is free from undue political pressure, especially from the government.

Corruption

The report reiterated that corruption is a serious threat to the rule of law and severely undermines trust in democracy and equality before the law. It called on the Member States and the Commission to increase their efforts to eradicate corruption. Members regret that, despite all Member States having anti-corruption strategies in place, **perceptions of corruption vary greatly** across the EU, with Denmark, Finland, Sweden and the Netherlands ranking among the least corrupt, while the perceived levels of corruption in Bulgaria, Malta, Hungary, Greece and Slovenia are worrying.

The committee acknowledges the important role of the European Public Prosecutor's Office (EPPO) in safeguarding the rule of law and in combating corruption in the Union. In this regard, it encouraged the Commission to closely monitor Member States' level of cooperation with the EPPO in subsequent reports. Member States that have not yet done so are urged to join the EPPO.

Members considered that by strengthening the EU's anti-fraud architecture and increasing transparency in the European institutions can the protection of the EU's financial interests be effectively and efficiently pursued and strengthened.

Media pluralism and media freedom

The report highlighted that without media pluralism and media freedom, democratic life and the rule of law cannot survive. The European institutions are encouraged to finally adopt and implement a robust and ambitious Media Freedom Act to ensure the harmonisation of transparency of media ownership legislation at EU level.

The Council and the Commission are called on to provide adequate funding for independent and European-wide quality journalism at national, regional and local levels.

Protection of journalists

Members recalled that independent journalism is a vital element of the democratic rule of law as part of the essential checks and balances and an element of public scrutiny. They expressed concerns at the deliberate attempts of several governments and economic powers to silence journalists who are exposing wrongdoing. They also stressed that unwarranted interference and pressure, fear and self-censorship have a chilling effect on the exercise of journalistic freedom of expression.

Transparency and access to information

The report regretted the continuous difficulties that many citizens, journalists and parliamentarians in many Member States face in obtaining information and access to documents. It underlines that, too often, public authorities deliberately frustrate access to information and documents, such as by disproportionately delaying decisions or giving only artificial access by making information only partially available.

The EU institutions are called on to show exemplary behaviour when it comes to access to information and documents.

Member States are encouraged to regulate lobbying, such as by introducing national mandatory transparency registers for all politicians, members and officials of governments, authorities and agencies.

Enforcement of EU law

Members strongly regret the fact that the Commission is not taking stronger action to enforce EU law. Therefore, they called on the Commission to step up the number of new infringement procedures and to push forward existing infringement procedures with more audacity and urgency.